

SUPREME COURT OF ARIZONA

THOMAS P. MORRISSEY,) Arizona Supreme Court
individually,) No. CV-19-0271-AP/EL
)
Plaintiff/Appellee,) Gila County
) Superior Court
v.) No. CV2019-00287
)

LOGAN STAN GARNER, individually)
and as Chair of Unite Payson;)
KIM CHITTICK, individually and) **FILED 12/06/2019**
as Treasurer of Unite Payson;)
UNITE PAYSON, an Arizona)
political committee, SADIE JO)
BINGHAM, in her official)
capacity as Gila County)
Recorder; TOMMIE MARTIN, in her)
official capacity as Gila County)
Supervisor; TIM R. HUMPHREY, in)
his official capacity as Gila)
County Supervisor; WOODY CLINE,)
in his official capacity as Gila)
County Supervisor; SILVIA SMITH,)
in her official capacity as)
Payson Town Clerk; THOMAS P.)
MORRISSEY, in his official)
capacity as Payson Mayor, JIM)
FERRIS, in his official capacity)
as Payson Councilmember, CHRIS)
HIGGINS, in his official)
capacity as Payson Councilmember,)
STEVE L. SMITH, in his official)
capacity as Payson Councilmember,)
JANELL STERNER, in her official)
capacity as Payson Councilmember,)
SUZY TUBBSAVAKIAN, in her)
official capacity as Payson)
Councilmember, BARBARA UNDERWOOD,)
in her official capacity as)
Payson Councilmember, and TOWN)
OF PAYSON, ARIZONA, a public)
entity)
)
Defendants/Appellants.)
)
)

O R D E R

The Court en banc has considered the briefs and authorities in this expedited election matter to determine the number of signatures needed to require a mayoral recall election. The appeal concerns whether the "last preceding general election" in article 8, part 1, section 1 of the Arizona Constitution refers to the Town of Payson's most recent mayoral "general" election held in 2002 or the most recent mayoral "primary" election held in 2018, which determined who would be elected mayor.

The Court unanimously decides that article 8, part 1, section 1 requires the number of signatures needed to trigger a mayoral recall election must be calculated based on the 2018 election.

IT IS ORDERED affirming the trial court's order enjoining the recall election set for March 10, 2020. A written opinion will follow in due course.

DATED this 6th day of December, 2019.

/s/

ROBERT BRUTINEL

Chief Justice

TO:

Timothy A LaSota

Eric H Spencer

Ryan J Regula

Aaron D Arnson

Jefferson R Dalton

Hon Randall H Warner

Anita Escobedo